

SENATE MOTION

MR. PRESIDENT:

I move that Engrossed House Bill 1181 be amended to read as follows:

- 1 Page 3, between lines 32 and 33, begin a new paragraph and insert:
- 2 “SECTION 4. IC 8-1-2.6-9 IS ADDED TO THE INDIANA CODE
- 3 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 4 1, 2001]: **Sec. 9. (a) A telephone company that provides local**
- 5 **exchange service may not do either of the following:**
- 6 **(1) By acting or failing to act, prevent or inhibit competition**
- 7 **in the provision of local exchange service in Indiana.**
- 8 **(2) Impose unreasonable requirements on other persons that**
- 9 **offer or propose to offer local exchange service in Indiana.**
- 10 **(b) The commission may:**
- 11 **(1) on its own motion;**
- 12 **(2) at the request of the utility consumer counselor;**
- 13 **(3) at the request of one (1) or more telephone companies; or**
- 14 **(4) at the request of any class satisfying the standing**
- 15 **requirements of IC 8-1-2-54;**
- 16 **begin a proceeding to determine if a telephone company has**
- 17 **violated subsection (a).**
- 18 **(c) If, after notice and hearing, the commission determines that**
- 19 **a telephone company has violated subsection (a), the commission**
- 20 **may impose a civil penalty under IC 8-1-2-109.**

1 (d) The commission shall adopt rules under IC 4-22-2 to
2 establish a procedure to expedite proceedings under this section.
3 The procedure must provide that the initial hearing in a
4 proceeding under this section must be set for a date not later than
5 thirty (30) days after the motion or request is filed under
6 subsection (b).".

7 Renumber all SECTIONS consecutively.
 (Reference is to EHB 1181 as printed April 6, 2001.)

Senator GARD